

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the Award by the Administrative Law Judge should be affirmed. Specifically, the Appeals Board finds that respondent has failed to establish: (1) that claimant was a handicapped employee prior to the injury involved in this claim, (2) that respondent had knowledge of a preexisting impairment which constituted a handicap, or (3) that claimant knowingly misrepresented that he did not have a handicap or misrepresented that he did not have previous accidents. Respondent has, therefore, failed

to establish the requirements of Fund liability as set forth in K.S.A. 1992 Supp. 44-567. The Appeals Board so finds for the reasons stated in the Award entered by the Administrative Law Judge whose findings of fact and conclusions of law are hereby adopted by the Appeals Board as its own for purposes of this appeal.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Bruce E. Moore dated March 4, 1996, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Terry J. Torline, Wichita, KS
David G. Shriver, McPherson, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director